

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion and in view of the present amendment is respectfully requested.

Claims 1-14 are pending in this application. Claims 1 and 7 are amended by the present amendment.

The amendments to the claims find support in the application as originally filed at least in the specification at page 11, lines 7-21. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-4, 6-10, and 12-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 4,832,158 to Farrar et al. (herein "Farrar") in view of WO 03/004397 to Angst¹ and U.S. Patent 6,630,886 to Malone, Jr.; and Claims 5 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Farrar, Angst, Malone, Jr., and U.S. Publication 2004/0079591 to Mueller.

Applicant respectfully traverses the rejection of Claims 1-4, 6-10, and 12-14 under 35 U.S.C. § 103(a) as unpatentable over Farrar, Angst, and Malone, Jr.

Amended Claim 1 is directed to an elevator apparatus that includes, in part, an elevator control apparatus and a supervising portion that detects abnormalities in the movement of a car. The elevator control apparatus has an operation control portion that controls a movement of the car and an actual speed of the car based on a current operation mode. When the supervising portion performs an initial setting to set a relationship between a signal from a supervision position sensor and a position of the car in an initial operation mode, the operation control portion controls the movement of the car to a floor writing start position and causes the actual speed of the car to be a low speed. Further, when the supervising portion performs a normal supervision in a normal operation mode, the operation

¹ In accordance with the convention established in the Office Action, all comments with regard to Angst are cited with respect to U.S. Patent 7,117,979 to Angst et al.

control portion causes the actual speed of the car to be a high speed greater than the low speed.

As noted according to the non-limiting embodiments of Applicant's Figs. 2-4, in an initial setting operation mode, the operation control portion 22 controls the movement of the car 7 to a floor writing start position.²

Applicant respectfully submits that Farrar, Angst, and Malone, Jr. fail to teach or suggest each of the features of the independent claims. For example, it is respectfully submitted that Farrar, Angst, and Malone, Jr. fail to teach or suggest an operation control portion that controls a movement of a car to a floor writing start position and causes the actual speed of the car to be a low speed lower than a normal operation mode speed.

As noted in the Office Action, Farrar fails to disclose operating a car at a speed slower during an initial setting, and it is respectfully submitted that Angst also fails to teach or suggest that feature. Additionally, Applicant respectfully traverses the assertion in the Office Action that Malone, Jr. discloses operating a car at a slower initial setting speed as required by Claim 1.³

Malone, Jr. indicates that normal operating speeds of an elevator "would make it difficult for the mechanic to perform inspection or to position the car for maintenance. Therefore a slower inspection speed is provided in accordance with the governing safety regulations."⁴ Thus, Malone, Jr. indicates that a slower speed is available for inspection or to position the car for maintenance. Furthermore, Malone, Jr. indicates that "in addition to operating the car at inspection speed the top of the car inspection station provides the mechanic with *sole control over car motion and makes the car unavailable to respond to calls.*"⁵ Thus, Malone, Jr. clearly indicates that when operating the car at the lower

² Specification at paragraph bridging pages 11 and 12.

³ Office Action at page 3, lines 13-15.

⁴ Malone, Jr. at column 1, lines 16-20.

⁵ Malone, Jr. at column 1, lines 20-24.

inspection speed, the mechanic has sole control over the car motion and the car does not respond to calls from an operation control portion. Therefore, Malone, Jr. merely indicates that when a mechanic operates a car from the top of the car, the mechanic may control the speed of the car to be a slow speed. Thus, Malone, Jr. fails to teach or suggest that the car is controlled at the slow speed to set a relationship between a signal from a supervision position sensor and a position of the car in an initial operation mode.

In addition, Malone, Jr., Angst, and Farrar fail to teach or suggest that the operation control portion controls the movement of the car to a floor writing start position and causes the actual speed of the car to be a low speed. According to Malone, Jr., the mechanic has sole control over the car motion when the car is operated at the slow inspection speed. Further, Malone, Jr. indicates “to move the car the mechanic must first deactivate the stop switch 16, active the common switch 18 then simultaneously activate either the car-up 20 or car-down switch 22 depending on the desired direction of travel.”⁶ Accordingly, Malone, Jr. requires manual control at the slow speed, and Malone, Jr. teaches away from any automatic car movement control at the slow speed. Thus, Malone, Jr. fails to teach or suggest “an operation control portion that controls the movement of the car to a floor writing start position and causes the actual speed of the car to be a low speed,” as recited in Claim 1 and as similarly required by independent Claim 7.

Therefore, Applicant respectfully submits that independent Claims 1 and 7 patentably define over Farrar, Angst, and Malone, Jr.

Accordingly, it is respectfully requested the rejection of Claims 1-4, 6-10, and 12-14 under 35 U.S.C. § 103(a) be withdrawn.

In addition, Applicant respectfully traverses the rejection of Claims 5 and 11 under 35 U.S.C. § 103(a) as unpatentable over Farrar, Angst, Malone, Jr., and Mueller.

⁶ Malone, Jr. at column 1, lines 31-35.

Claims 5 and 11 depend from Claims 1 and 7, respectively, which are believed to patentably define over Farrar, Angst, and Malone, Jr., as discussed above. Additionally, Applicant respectfully submits that Mueller fails to supply the claimed features lacking in the disclosures of Farrar, Angst, and Malone, Jr. Therefore, it is respectfully requested the rejection of Claims 5 and 11 under 35 U.S.C. § 103(a) also be withdrawn.

Accordingly, Applicant respectfully submits that independent Claims 1 and 7, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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